

**Applicant requests a Special Exception under Section 2.16.050 B (Two or More Non-conforming) in an R-1 (Residential) zone.**

This would permit additions which are proposed to encroach into the required side yard setbacks, to within 9'8" of the westerly side property line and to within 10' of the easterly side property line for a cumulative side yard setback total of 19'8".

The required cumulative side yard setback total is 40 feet in the R-1 zone district.

**BACKGROUND**

The request is for the Special Exception that allows setback encroachments that are no more nonconforming than two other existing properties in the same block or directly across the street. There appear to be several properties with encroachments into the side setbacks:

- The house at 720 Camino Real is built to within 3' of the east side setback, existing in the 1956 aerial.
- The property at 728 Camino Real received permission on July 8, 1959 from the ZBA to build a house into required side yard; it appears to be within 5' of the east side setback. The 728 Camino Real property received another ZBA approval on June 13, 2005, for an encroachment into the westerly side yard to be located to within 10' of the property line.
- The property at 736 Camino Real appears to be built to within 10' of the east side setback.

Staff received a phone call from the property owner at 720 Camino Real who is objecting to the request.

**CALCULATIONS**

Required cumulative side yard setback total = 40'

Required minimum side yard setback = 15'

Requested westerly side yard setback = 9'8"

Requested easterly side yard setback = 10'

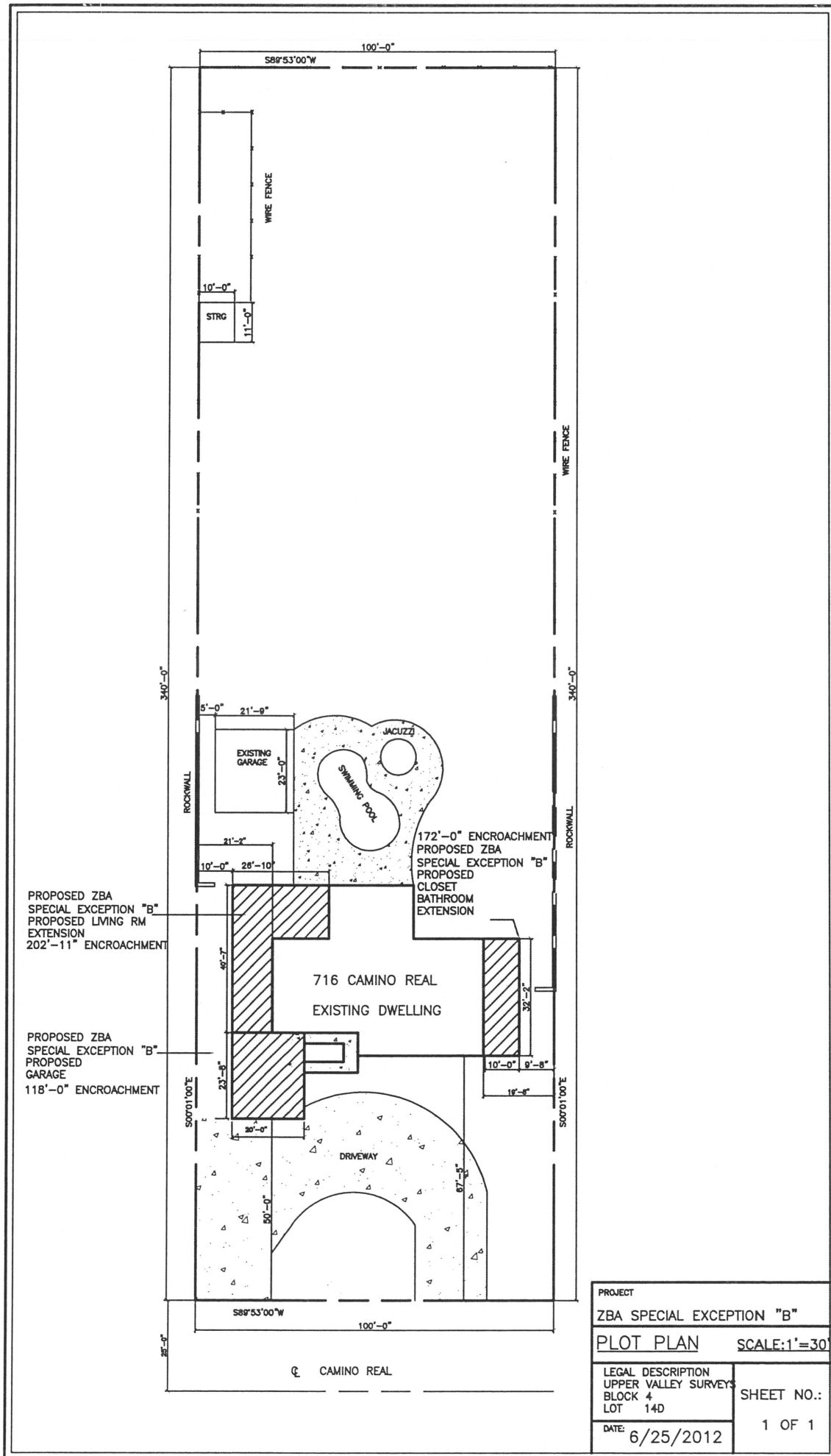
**STAFF RECOMMENDATION**

Staff recommendation is for approval as it meets the requirements of the Special Exception B.

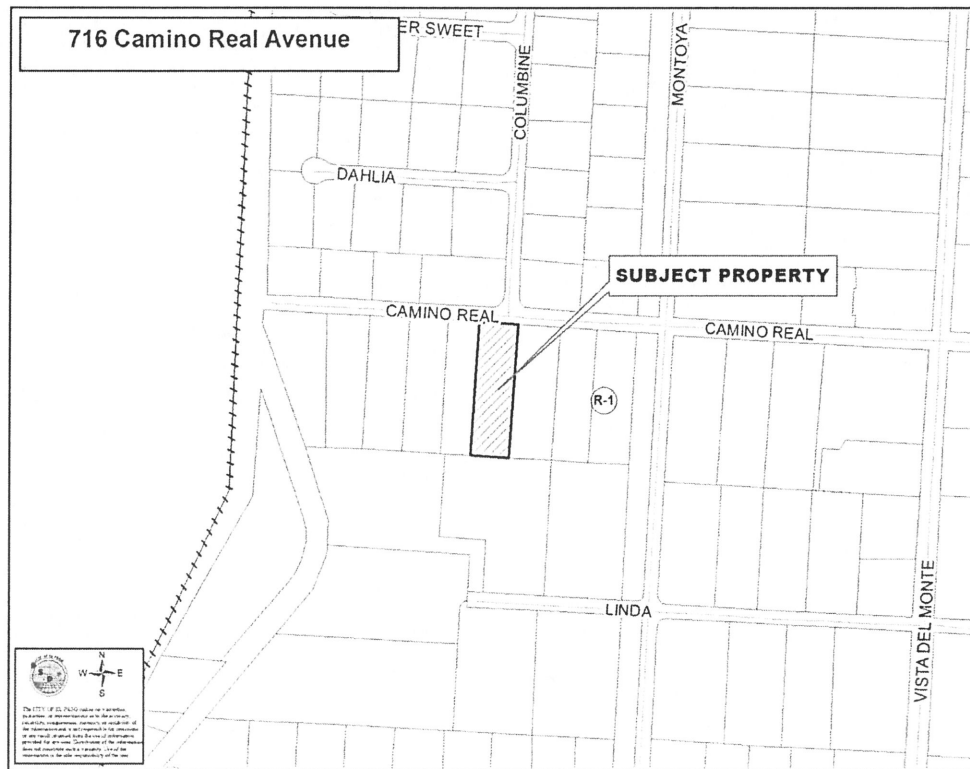
The Zoning Board of Adjustment is empowered under Section 2.16.050 B to:

"Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot; provided, however, that:

1. The lot is in a legally recorded and developed subdivision of at least ten years; and,
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street; and,
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots, and,
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception."



## ZONING MAP



## NOTIFICATION MAP

